

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
AMERICAN PROCESS EQUIPMENT	)	
COMPANY, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 05-10029 (NMG)
	)	
ATLANTIC MUTUAL INSURANCE	)	
COMPANIES,	)	
	)	
Defendant.	)	
_____	)	

JOINT STATEMENT  
PURSUANT TO LOCAL RULE 16.1

Pursuant to Local Rule 16.1, the parties in the above action submit this Joint Statement in advance of the scheduling conference set for July 19, 2005 at 3:45 p.m.

I. Statement Pursuant to Local Rule 16.1(B)

Counsel for the parties herein state that they have conferred pursuant to Rule 16.1(b) for the purpose of (1) preparing an agenda of matters to be discussed at the scheduling conference; (2) preparing a proposed pretrial schedule; and (3) considering whether they will consent to trial by magistrate judge.

II. Statement Pursuant to Local Rule 16.1(C)

III. Joint Statement Pursuant to Local Rule 16.1(D)

A. Joint Discovery Plan

1. Initial Disclosures

The parties propose that initial disclosures be made on or before September 16, 2005.

2. Close of Discovery

The parties propose that all discovery be completed on or before April 7, 2006.

3. Expert Witnesses

The parties propose that expert witnesses, if any, be identified on or before May 5, 2006, and that rebuttal experts, if any, be identified on or before May 26, 2006. The parties further propose that expert depositions be completed on or before June 30, 2006.

B. Proposed Motion Schedule

The parties propose that motions for summary judgment and other dispositive motions be filed on or before July 28, 2006.

C. Proposed Pre-Trial Conference Date

The parties propose that the Court conduct a pre-trial conference in this matter on September 8, 2006, or as soon thereafter as the Court's calendar permits.

Respectfully submitted,

**PLAINTIFF,**  
**AMERICAN PROCESS EQUIPMENT**  
**COMPANY, INC.**

By its Attorneys,

**DEFENDANT,**  
**ATLANTIC MUTUAL INSURANCE**  
**COMPANY,**

By its Attorneys,

/s/ Noah Rosmarin

David L. Kelston, BBO #267310

Noah Rosmarin, BBO # 630632

**ADKINS, KELSTON & ZAVEZ, P.C.**

90 Canal Street, Fifth Floor

Boston, MA 02114

(617) 367-1040

/s/ John R. Bauer

John E. Tener, BBO # 563791

John R. Bauer, BBO # 630742

**ROBINSON & COLE LLP**

One Boston Place

Boston, MA 02108-4404

(617) 557-5900

Dated: July 11, 2005